

Edward Cerasia II (EC-8297)  
MORGAN, LEWIS & BOCKIUS LLP  
101 Park Avenue  
New York, New York 10178  
212.309.6000

Attorneys for Defendant  
Merrill Lynch & Co., Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
EQUAL EMPLOYMENT OPPORTUNITY :  
COMMISSION, :  
Plaintiff, : 07-CV-6017 (DAB-KNF)  
- against - :  
MERRILL LYNCH & CO., INC., :  
Defendant. :  
-----x

**NOTICE OF MOTION TO ADMIT COUNSEL PRO HAC VICE**

TO: Elizabeth A. Grossman  
Lisa Sirkin  
Michael J. O'Brien  
U.S. Equal Employment Opportunity Commission  
New York District Office  
33 Whitehall Street, 5th Floor  
New York, New York 10004-2112

Attorneys for Plaintiff Equal Employment Opportunity Commission

PLEASE TAKE NOTICE that, upon the annexed Affidavit of Mark S. Dichter in support of this Motion and the Certificate of Good Standing annexed thereto, defendant will move this Court at the United States Courthouse for the Southern District of New York, pursuant to Rule 1.3(c) of the Local Civil Rules of the United States District Court for the Southern District of

New York, for an Order allowing the admission of Mark S. Dichter, a member of the firm of Morgan, Lewis & Bockius LLP, and a member in good standing of the Bar of the Commonwealth of Pennsylvania, as attorney *pro hac vice* for all purposes in this case.

Dated: New York, New York  
September 19, 2007

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By Edward Cerasia II

Edward Cerasia II (EC-8297)  
101 Park Avenue  
New York, New York 10178  
212.309.6000

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Merrill Lynch & Co., Inc.

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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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COMMISSION,	:
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	:
MERRILL LYNCH & CO., INC.,	:
	:
Defendant.	:
	:

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**DECLARATION OF EDWARD CERASIA II IN SUPPORT  
 OF MOTION FOR ADMISSION TO PRACTICE PRO HAC VICE**

**EDWARD CERASIA II**, being duly sworn, deposes and says the following:

1. I am a member of the Bar of this Court and am a partner in the law firm of

Morgan Lewis & Bockius, LLP, 101 Park Avenue, New York, New York 10178, counsel for defendant Merrill Lynch & Co., Inc. in the above-captioned case.

2. I make this Declaration in support of defendant's motion, pursuant to Local Civil Rule 1.3(c) of the United States District Court for the Southern District of New York, for an Order admitting Mark S. Dichter to practice before this Court as counsel for the defendant for all purposes in this action.

3. Mr. Dichter is a partner in the law firm of Morgan, Lewis & Bockius LLP, in Philadelphia, Pennsylvania, and is a member in good standing of the Bar of the Commonwealth

of Pennsylvania. Attached as Exhibit A to the accompanying Affidavit of Mark S. Dichter is a Certificate of Good Standing issued by that jurisdiction.

4. It is the desire of defendant to have Mr. Dichter represent it for all purposes in this action.

WHEREFORE, it is respectfully requested that Mark S. Dichter be admitted to practice before this Court as counsel for Defendant for all purposes in this action.

Pursuant to 28 U.S.C. § 1746, I declare on penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
September 19, 2007

  
Edward Cerasia II

**CERTIFICATE OF SERVICE**

I certify that on this 19th day of September 2007, I caused a true and correct copy of the foregoing Notice of Motion for Admission Pro Hac Vice, and the accompanying affidavits of Edward Cerasia II and Mark S. Dichter, to be served federal express upon:

Elizabeth A. Grossman  
Lisa Sirkin  
Michael J. O'Brien  
U.S. Equal Employment Opportunity Commission  
New York District Office  
33 Whitehall Street, 5th Floor  
New York, New York 10004-2112

Attorneys for Plaintiff Equal Employment Opportunity  
Commission

  
\_\_\_\_\_  
Edward Cerasia II (EC-8297)

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 MORGAN, LEWIS & BOCKIUS LLP  
 101 Park Avenue  
 New York, New York 10178  
 212.309.6000

Attorneys for Defendant  
 Merrill Lynch & Co., Inc.

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----x	
	:
EQUAL EMPLOYMENT OPPORTUNITY	:
COMMISSION,	:
	:
Plaintiff,	:
	:
- against -	:
	:
MERRILL LYNCH & CO., INC.,	:
	:
Defendant.	:
	:
-----x	

**AFFIDAVIT OF MARK S. DICHTER IN SUPPORT OF  
 MOTION TO ADMIT COUNSEL PRO HAC VICE**

**MARK S. DICHTER**, being duly sworn, deposes and says the following:

I am a partner of the law firm of Morgan, Lewis & Bockius LLP, 1701 Market Street, Philadelphia, PA 19103, where I maintain an office for the practice of law.

1. I submit this Affidavit in support of my motion for admission to practice *pro hac vice* in the above-captioned action.
2. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the Commonwealth of Pennsylvania.
3. There are no pending disciplinary proceedings against me in any State or Federal court.

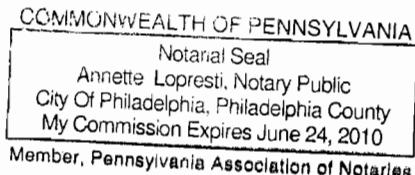
4. Wherefore, your affiant respectfully submits that he be permitted to appear as counsel and advocate *pro hac vice* in this action.

Dated: New York, New York  
September 13, 2007

Mark S. Dichter  
\_\_\_\_\_  
Mark S. Dichter

Subscribed and sworn to before me  
this 17<sup>th</sup> day of September \_\_\_, 2007

Annette Lopresti  
Notary Public





Supreme Court of Pennsylvania

**CERTIFICATE OF GOOD STANDING**

***Mark S. Dichter, Esq.***

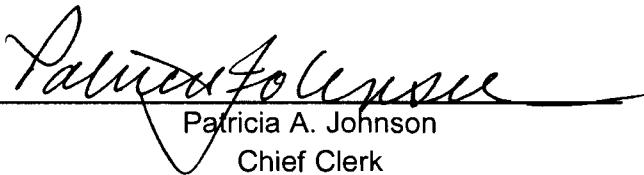
**DATE OF ADMISSION**

***November 5, 1969***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal  
Dated: September 11, 2007**

  
\_\_\_\_\_  
Patricia A. Johnson  
Chief Clerk

**CERTIFICATE OF SERVICE**

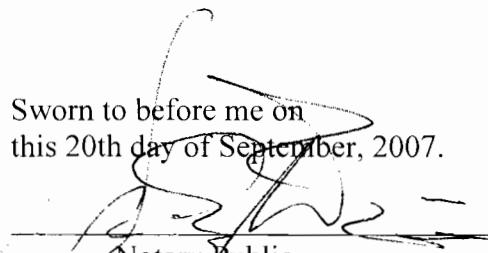
I certify that on this 20th day of September, 2007, I caused a true and correct copy of the foregoing Notice of Motion for Admission Pro Hac Vice, and the accompanying affidavits of Edward Cerasia II and Mark S. Dichter, to be served federal express upon:

Elizabeth A. Grossman  
Lisa Sirkin  
Michael J. O'Brien  
U.S. Equal Employment Opportunity Commission  
New York District Office  
33 Whitehall Street, 5th Floor  
New York, New York 10004-2112

Attorneys for Plaintiff Equal Employment Opportunity  
Commission

Cheryl L. Leuschner  
Cheryl L. Leuschner

Sworn to before me on  
this 20th day of September, 2007.

  
Notary Public

NORMA E. MONDONEDO  
Notary Public, State of New York  
No. 01MO4875002  
Qualified in Nassau County  
Certificate Filed in New York County  
Commission Expires 12-24-08